

CLAYTON COUNTY BOARD OF COMMISSIONERS

Regular Business Meeting
7:00 P.M.

August 9, 2011

POST SUMMARY MINUTES

PRESENT: Chairman Eldrin Bell, Vice-Chairman Wole Ralph, Commissioner Sonna Singleton, Commissioner Michael Edmondson, Commissioner Gail Hambrick, and Clerk Shelby D. Haywood.

1. Chairman Bell called the meeting to order.
2. Invocation was led by Rev. Dr. Wesley E. Greene, Sr. of the Amazing Grace World Outreach Church in Forest Park, Georgia. Pledge of allegiance to the flag was led by Chairman Bell.
3. Amended the agenda by adding Resolution #2011-130 (a Resolution of the governing authority of Clayton County, Georgia, urging the Executive Committee of the Atlanta Regional Roundtable to revise the designated transportation project list to include the Atlanta to Griffin Commuter Rail Project to be funded by a 1¢ sales tax levied pursuant to House Bill 277); holding item #8 (Resolution 2011-128 – Authorizing Clayton County to enter into Articles of Agreements with certain community charitable organizations, governmental agencies, and professional service providers located and conducting business in Clayton County); holding item #10 (Discussion Item: County Hiring Freeze); and adding an Executive Session on litigation and personnel matters after the business meeting. The agenda was adopted, as amended, as all commissioners had copies before them. Vote unanimous.
4. Approved the 9:00 A.M. minutes of the July 26, 2011 Public Hearing on the Proposed FY-2012 Millage Rate Increase and the August 2, 2011 Regular Business Meeting minutes. The motion carried 3-2 for the 9:00 A.M. minutes of the July 26, 2011 Public hearing on the Proposed FY-2012 Millage Rate Increase. Commissioners Sonna Singleton and Michael Edmondson abstained due to being absent from this meeting. The vote was unanimous on the August 2, 2011 Regular Business Meeting minutes.
5. PROCLAMATIONS: "Clayton County Board of Commissioners Honors Jim Constable, Community Activist" (presented by Vice-Chairman Wole Ralph) and "Clayton County Board of Commissioners Honors Victor Epps, Community Activist" (presented by Vice-Chairman Wole Ralph).

NOTE: Group photos were taken of the proclamation honorees, and Clerk Haywood read the proclamations for the benefit of the audience.

6. Approved Resolution 2011-127 authorizing Clayton County to execute a 2011 Self-Survey and Title VI Assurances required by the Georgia Department of Transportation regarding compliance with Title VI of the Civil Rights Act of 1964. Vote unanimous.

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7. Approved Resolution 2011-129 authorizing Clayton County to approve a renewal of the agreement for Misdemeanor Probation Supervision Services and Management Systems for the Superior, State and Magistrate Courts of Clayton County. Vote unanimous.

8. Approved Resolution 2011-130, A Resolution of the governing authority of Clayton County, Georgia, urging the Executive Committee of the Atlanta Regional Roundtable to revise the designated transportation project list to include the Atlanta to Griffin Commuter Rail Project to be funded by a 1¢ sales tax levied pursuant to House Bill 277. Vote unanimous.

Staff Attorney Christie Barnes requested an Executive Session following the business meeting to discuss personnel and litigation matters. The Board agreed to do so by general consent.

9. Accepted street light petitions for Beaver Lake Estates Subdivision (Beaver Trail and Beaver Court) in Commission District #3/Vice-Chairman Wole Ralph and Normandy Subdivision (Chantilly Terrace, Norman Boulevard, Flemish Court, and Roses of Picardy) in Commission District #2/Commissioner Gail Hambrick. Vote unanimous.

10. ZONING PETITIONS:

1) PHOENIX CAPITAL GROUP, INC./Robert Young [PUD 201106-01]

Petition of Mr. Robert Young for Conceptual Site Development Plan approval from Article 7, Planned Unit Development for a mixed use development consisting of senior housing, professional offices, personal service establishments, retail merchants, restaurants, and a gas station. The subject property is located at 3199 Anvil Block Road, which is the southwest corner of the intersection of Anvil Block Road and Bouldercrest Road in Ellenwood, GA and is otherwise known as Parcel Number 12215B A003. This property is currently zoned RS-180 Single Family Residential Zoning District, and it is pending consideration of a rezoning to Neighborhood Mixed Use District (NMX) and Multifamily Residential District (RM) with a subsequent application to the Planned Unit Development (PUD). The total acreage of this property equals 41.5 acres in Land Lot 215 of the 12th District (Commission District #1/Commissioner Sonna Singleton).

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Proposed use of property is PUD for mixed use development.
Land Use Plan Amendment – NONE.
Zoning Advisory Group recommendation is denial.

Mr. Robert Young, President of Phoenix Capital Group, Inc. (P. O. Box 250698, Atlanta, Georgia), greeted the Board and thanked it for its time tonight. He referenced a package he had just distributed to the Board regarding site plan information and various recommendations for the subject property. Included in this package were two (2) articles published in May 2011 about the need for senior residences in the Atlanta area. Apparently, there is such a pent-up demand for senior residences that they cannot be built quickly enough. To keep up with this need is a tremendous undertaking. He was proposing a site plan that had never been done in Clayton County. Mr. Young showed the Board a conceptual site drawing that was proposed in the county's 2009 land use adoption (by this present commission) for heavy industrial zoning. Per Mr. Young, the green area on the conceptual site plan represented almost 25% greenspace with different types of details in other shades of green. Mr. Young proposed a mixed use development as an upgrade from the HI zoning that will better serve a tremendously underserved community. Part of this proposed project would include a type of senior residence that does not exist in Clayton County at the present time. Mr. Young mentioned there were pictures of "look-alike" senior residences and their interiors as well as communities located inside this building. It will be a gated community and fully secured at all times. Other features will include walking paths, vegetable gardens, retail and business stores within walking distance for the residents that are not around the Anvil Block Road area, retail offices and other services allowable under PUD zoning; i.e., sit-down restaurants such as Red Lobster, I-Hop, Longhorn, Olive Garden, and other restaurants with patio seating; 24-hour emergency care, doctor and dentist offices, eye clinics, Walgreens, insurance offices, and miscellaneous services that are of high caliber which are not present within a five to ten mile radius of this area. Currently, the residents have to drive between five to twelve miles to get to these types of communities. Mr. Young stressed that there are not any vacant bays where businesses can rent less than 1,000 square feet. A case in point would be all the leased businesses found along I-20 straight at a 180° angle where there are no vacancies. There are, however, vacancies found across the street at Villages of Ellenwood where these bays are running three to five thousand square feet with big boxes. Mr. Young further stated that across the street from Ellenwood, these bays are 3,800 square feet. Small businesses and communities cannot afford these, so many of them will stay vacant. With immediate time in the foreseeable future, everybody will be back to 50% or more of what used to be for three to four years. Mr. Young stated that he had nothing more to say now and would reserve comments for later.

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Clerk Haywood asked those who wished to speak in opposition to this petition to appear before the Board at this time.

Dr. Doris Patillo, of 4588 Bouldercrest Road in Ellenwood, Georgia, thanked the commissioners for an opportunity to speak. She actually lived within 500 feet of the proposed property for which Mr. Young is seeking a rezoning. On behalf of her community, she begged the commissioners to deny Mr. Young his rezoning request. Dr. Patillo believed Mr. Young was really promoting the senior home as the “limelight” of that redevelopment. However, according to Mr. Young’s drawing, the senior home is located so far in the back of all the commercial establishments he is proposing that it would actually be lost. Another concern was the greenspace. Dr. Patillo acknowledged that she had lived in this community for over ten years. Once that land is turned over, she knew it would take at least five to ten years for the trees to grow back. There is an additional concern of fumes from the proposed gas station, so she was strongly asking the commission to oppose this petition.

Ms. Kristina Jones, of 4416 Morton’s Way/Mitchells Meadow Subdivision in Ellenwood, Georgia, noted that the only exit from her subdivision is onto Anvil Block Road. The one stated reason that the Zoning Advisory Group gave when it recommended denial of this petition was because of the traffic. Ms. Jones stressed there was no assurance that the planned widening of Anvil Block Road will be completed before construction from this development begins. This proposed plan is a tremendous concern to the residents of the subdivision who have only one exit.

Mr. Jack Moore, of 4207 Bouldercrest Road in Ellenwood, Georgia, stated he moved to Clayton County when he got out of the Marines. He loved this county and moved here for quality of life. Mr. Moore acknowledged that he could play with his dog on his 1.7 acres. Deer frequently come on to his property because they were chased out of their habitat when WalMart was built. He wanted to keep things the way they were. As far as Mr. Young’s proposal is concerned, traffic is already very congested on Bouldercrest Road and Anvil Block Road. Mr. Moore admitted that he could not even get his mail due to trucks and cars breezing behind him. A trucking stop is already located in this area, and Griffin Industrial has been emitting bad fumes. Another gas station will add to the smell. Mr. Moore surmised that this rezoning will create more problems in the area.

Ms. Lisa Goodman Bohler, of 4736 Bouldercrest Road in Ellenwood, Georgia, stated her largest concern was the proposed gas station at the intersection. A gas station is located two miles down in Dekalb County; a gas station is going into Henry County; a gas station is going toward the

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military base; and a gas station is going toward Panola Road. This area has many gas stations already and they present an opportunity for people to loiter at any given time of the day. Citizens do not need this across the street or down the street from a residential area.

Mr. Young rebutted that the proposed senior residence is located in the back on the conceptual site plan because seniors want a green area away from traffic, such as Anvil Block Road. He recalled Dr. Patillo had raised concerns about greenspace. This proposed greenspace is mostly behind the senior residence, not the commercial area. Not many trees would be planted, and they would not destroy the property. Regarding traffic, Mr. Young stated everyone is aware that Anvil Block Road is a high count traffic area due to it being an industrial and commercial road. The road is supposed to be widened over the county line, but people unfortunately have to live with this on the corridor. That is all he had to say other than the fact that he had filed his constitutional rights with the county's staff attorney.

Chairman Bell acknowledged that a decision regarding this petition was now in the arms of the Board. He deferred to Commissioner Singleton since this petition was in her district.

Commissioner Singleton responded that she was used to hearing developers say they would bring in restaurants such as Red Lobster and Olive Garden because they need the space. As she looks around Clayton County now, there are a lot of empty spaces that end up being another beauty supply store or nail salon. One of her main reasons, in addition to considering the residents who wanted to maintain their quality of life in Ellenwood, Georgia, is to have a place in that area where a good quality of life can be maintained – which was the reason for starting the whole Villages of Ellenwood concept. She had also asked Grant Wainscott, Director of Economic Development, to give her an assessment on this property which she shared with the Board. Mr. Wainscott is not in favor of this development and does not view it as of viable use to the Ellenwood region. For those reasons, Commissioner Singleton made a motion to deny the petitioner. Vice-Chairman Ralph seconded the motion. Vote unanimous.

2) ALBERT WALLACE [REZ/CUP 201104-01]

Petition of Albert Wallace for a Conditional Use Permit from Article 3.31, Heavy Industrial District Intent, Uses, & Standards to allow an Auto Salvage Yard. The vacant subject property of 6.483 acres is currently zoned Heavy Industrial (HI) and situated at the corner of East Tanner Church Road and Grant Road. This property is otherwise known as Parcel Number 12244D B001 and lies in Land Lot 244 of the 12th District (Commission District #1/Commissioner Sonna Singleton).

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Proposed use of property is Conditional Use Permit (HI/w/CUP)
for an Auto Salvage Yard.

Land Use Plan Amendment -- NONE.

Zoning Advisory Group recommendation is approval with stipulations.

Mr. Albert Wallace informed the Board that anything he stated tonight would be redundant because the county is fortunate to have a very qualified and efficient staff in the Planning & Zoning Department. He hoped that the Board had taken time to review the recommendations from this department. Mr. Wallace stated that Zoning Administrator Kc Krzic, who was present tonight, was a very valuable county employee who had done a thorough job in this undertaking. As noted, the Planning & Zoning Department and the Zoning Advisory Group have recommended that a conditional use permit be granted for this heavy industrial property. Per Mr. Wallace, the petitioner is aware of the conditions that are being imposed upon the use of this property as an auto salvage yard. He had read that almost 12,000 automobiles are manufactured every year for use in the United States. Something has to happen to dispose of those 12,000 cars that are built each year. This particular auto salvage and recycling yard will take care of that, and he would leave that up to the experts here who have been in this business for some time as well and associated with a similar business located across the street from this specific property. Mr. Wallace hoped that the Board had taken a chance to read the Zoning Advisory Group's recommendations. This property has only been doing one thing since Mr. Zachary owned it and that has been to grow trees. If Mr. Zachary could harvest trees in a heavy industrial rezoned property, he would gain about \$100,000.00 a year but that is not what Mr. Zachary and the Board have in mind. They want to have someone take the property and start a business, hire people, and provide a service that will be needed (or take an interest in doing it). If he could liken this to the competitive property that the owner has been associated with, there have been no thefts on the property and no impact on the school system. Additionally, there is not a problem with traffic. Approximately three (3) cars a day come in and are taken apart within three to four weeks' time. After primary parts such as the catalytic converter are salvaged, the remaining parts are compacted and sent to probably China. Old cars are not left on the premises as in years past in Forest Park where people could take off parts. Mr. Wallace stated he was representing a group who planned to operate a very viable business with a six foot fence around it. Citizens will not be able to see what is being done, smell any fumes, or hear any noise. All of these things were pluses in his judgment, and he hoped they would be pluses for the county as well. Mr. Wallace said he would reserve the remainder of his time to entertain questions or to comment later after the public had spoken.

Mr. Robert Wimberly, of 3960 Grant Road in Ellenwood, Georgia, identified himself as the former president of the Ellenwood Civic League which is comprised of the Grant Road community from East Tanners Church Road all the way back to Anvil Block Road. Over ten

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years ago, Mr. Wimberly stated the league started a campaign to stop development in this neighborhood because it was the best kept secret in northeast Clayton County for over thirty years. This was a quiet, peaceful community for all these years until someone decided to rezone the land to heavy industrial development. After this line of development came into the area, there was a line of cars all the way from I-675 to Bouldercrest Road. The residents oppose these types of development because there is already one junk yard in the area. He pleaded with the Board to deny this petition and agreed with what Commissioner Singleton had so eloquently stated earlier – “let us preserve our way of life.”

Jennifer Jones, of 3688 Grant Road in Ellenwood, Georgia, affirmed she had resided at that address since she was born. Much of the area around this property was actually owned by her maternal great grandfather (Fred Cooper), including the property where the current salvage yard is. Ms. Jones had several personal issues with the salvage yard and she had to refute some statements Mr. Wallace made, including the fact that there is indeed run-off into the creek below the salvage yard. If she had brought a glass of that water here tonight, she would dare the commissioners to drink it. There is also increased traffic on Grant Road from all of the housing development. Sadly, the police are not doing a great job of slowing down the traffic on that road in the mornings and evening. Two (2) salvage yards facing residential areas is a bit too much. Ms. Jones wanted to stay in the comfort of her home and look across the street without seeing yet another six foot fence staring her in the face. She hoped that the Board would deny this rezoning.

Mr. William H. Baughcum, of 4199 Williamson Road in Ellenwood, Georgia, addressed the problems of having a junk yard in the neighborhood. The residents experience more trucks coming by there from 10 a.m. to 3 p.m. and stopping by the junk yard. If another junk yard is allowed in the area, there will be more traffic on the road than the residents can handle. Rodents and snakes will also result from the junk yard. He knew that the commissioners have to make the final decision, but this petition should be denied.

Hugh Clark stated he lived in front of the salvage yard. A spring has been there since the 1500's, and he was born and raised around it. The deer and other animals now use it for water. Mr. Clark expressed that he had been told there would be no further development on the I-675 side, but now another salvage yard is being proposed. The spring feeds the creek and the creek runs down to the river. Cars in the neighborhood will cause pollution, and he opposed this petition.

Mr. Wallace turned the floor over to the owner of this property (Mr. Taher?), who wished to address the concerns raised by the residents in this area. Mr. Taher admitted that he was the person who applied for the permit to have an auto salvage yard in this area. He refuted what

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others had said about pollution. Per Mr. Taher, the EPD had investigated the use of this business. With the use of modern technology, there will be no oil or toxic materials to pollute the water. This business will not operate like a used junk yard. It will be a 9:00 a.m. to 6:00 p.m. operation in a heavy industrial zone, with no deliveries and no disturbance to the neighborhood for six days out of the week.

Mr. Wallace added that all concerns can be answered in the Planning and Zoning report. Ten questions were asked in this report, and they all meet the requirements. According to Mr. Wallace, the constitutional standard that this Board has is “does it contribute to the health, safety, morals, and general welfare of the community?” The answer to this question is that the auto salvage yard presents no detriment to public health, safety, morals, or general welfare. It meets all requirements of the county code and every standard has been met.

Commissioner Singleton stated that as much as this Board sometimes disagrees on certain matters, it does agree on protecting the quality of life and planned growth in Clayton County. She had again heard from all of the residents since this petition had been in. They all agreed that Ellenwood was a destination where people wanted to live and have a good quality of life. Right now, an auto salvage yard does not fit into that concept; therefore, she made a motion to deny this petition. Vice-Chairman Ralph seconded that motion. Vote unanimous.

3) **KENDRICK MCDONNELL [REZ/CUP 201107-01]**

Petition of Kendrick McDonnell for a change to the zoning classification of a 4.3 acre parcel in Land Lot 75 of the 12th District of Clayton County from its current classification of Office-Institutional District (OI) to General Business District (GB). The subject property is located at 2723 Mt. Zion Road in Jonesboro, GA and is otherwise known as Parcel Number 12075A A002 (Commission District #4/Commissioner Michael Edmondson).

Proposed use is for a dance studio in addition to onsite daycare facility.
Land Use Plan Amendment -- NONE.
Zoning Advisory Group recommendation is approval.

The petitioner, Mr. Kendrick McDonnell, stated he was present tonight to try to rezone in order to have a 20 X 30 additional dance hall at the onsite daycare facility. (There was no opposition.)

Commissioner Edmondson expressed that he had a few questions. He admitted that conceptually he had no problems with this petition. The only map or plan that he had before him concerning

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this petition is a parcel map. Upon reviewing the map, Commissioner Edmondson surmised that the only access from any public road or right-of-way is on Mt. Zion Road. He questioned if there were any other roads that connected to this site. Mr. McDonnell affirmed that Mt. Zion Road was the only one. Commissioner Edmondson noticed that there was a swimming pool in the front yard between the current building and Mt. Zion Road. On the adjacent zoning and land use under Mr. McDonnell's application, Commissioner Edmondson read that "on the south side, it is multi-family, multi-tenant." He wanted to know if this site were contiguous or adjacent to the interstate. Kc Krzic, Zoning Administrator, stated this property by-passes the interstate.

Commissioner Edmondson stated that his next question might be one that could be answered by Mr. Jeff Metarko, Director of Transportation and Development. Mr. Metarko's comments indicated that when the plans were submitted and recommended, this would need to be considered for the widening of Mt. Zion Road and meet all the buffer and setback requirements (for any future developments). Commissioner Edmondson wondered if there were any discussion about this if no plans were brought in. He was eyeballing this property map, and it appeared that this property is about 513 feet deep. With the swimming pool being 50 feet from the road, it might pose as a problem with the widening of Mt. Zion to a four lane road and a ten foot sidewalk buffer area. Commissioner Edmondson asked Mr. Metarko if this issue had been mitigated in the request for plans.

Mr. Metarko replied that usually site improvements are addressed when a site plan is submitted after the zoning process has taken place. Any improvements that are required or any setbacks to get out of the way of the road project are discussed at that point. He would have to review the specifics of the road to ascertain if there is a conflict with the swimming pool. Mr. Metarko agreed that it would be a concern.

Commissioner Edmondson acknowledged that his biggest concern was that the curb appeal should be consistent with the commercial use of this property, both currently and proposed, as well as within the intent of what the Board of Commissioners did when the zoning ordinance and map were redone. He was worried about the swimming pool and whether it would be abandoned because it is too close to the road. A privacy fence cannot be put up because it is in front of the building instead of the back of the building (and who knows how it got there?). He asked Ms. Krzic if she would have any recommendations pertaining to this issue. Ms. Krzic voiced that this site now has a non-conforming swimming pool. This is something that the county would no longer allow, and she had no permits to indicate when the swimming pool was actually put in. She would have to examine the development codes and what is being completely proposed. The swimming pool would also have to meet the setbacks of the property on the triggering events of

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the construction. Mr. McDonnell interjected that he had plans to move the swimming pool to a designated area in the rear of the building. Commissioner Edmondson responded that the county's zoning ordinance would take care of that. Prior to this meeting, he had asked Mr. McDonnell if he were willing to stipulate that he would bring the frontage of this property up to the proposed zoning code as far as landscaping and buffering goes prior to any of the proposed construction. Commissioner Edmondson reminded Mr. McDonnell that he had said he would be O.K. with that. If Mr. McDonnell were O.K. with that request, he would make a motion to approve this petition with that stipulation. Vice-Chairman Ralph seconded the motion. Vote unanimous.

PUBLIC COMMENT:

1. Sonja Sleeper, of Jonesboro, Georgia, expressed she had read an article on the front page of the August 5th Clayton News Daily newspaper entitled "Recreation Department Seeks National Accreditation." Detrick Stanford, Director of Parks & Recreation, indicated in the article that this accreditation can become a source of community pride. Ms. Sleeper admitted she was angry about this because it is an award for the Parks & Recreation Department, not for her as a citizen. The Board just raised the citizens' property taxes to make up for a budget shortfall. There is no economy in the government operations as far as she was concerned other than the budget that was presented. The county has won other awards such as a Finance Award for the way the budget is done and a Transparency Award for the way details are shown on the county website. Per Ms. Sleeper, these are all awards for county government and not for the county citizens. It is apparent that this Board and the employees of Clayton County take pride in them, and that is nice. The problem is that these are the county's medals, and the Board has forgotten a very important thing here which is the people who live here – the citizens of Clayton County. This is why people are yelling at the Board because it is apathetic to the public. Ms. Sleeper concluded that this is shameful behavior, and the commissioners should be ashamed of themselves.

2. Kojo Jones, of Rock Creek Homeowner's Association in Rex, Georgia, addressed the Board about park greenspace. During the virtual broadcast of the transportation committee that the Chairman and the Mayor of Lake City worked on, there were several callers who called to say that they lived on the Clayton County Henry County border, and Chairman Bell attributed that to Ellenwood, Georgia. However, Rex, Georgia and Jonesboro, Georgia are on that border also. On another issue, Mr. Jones stated that when he walks out his back gate on Moreland Drive into Dale Road, there is a vacant tract of land across there that is being used for a dump. He knew that some people will come here to say that they do not want a baseball or soccer field

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there. Mr. Jones recommended that the Board should consider whatever can be improved upon in that space to make it a good and positive greenspace.

3. Wayne Madden indicated that he has had some highs and lows this week. Yesterday was the first day of school in Clayton County. He witnessed a Clayton County bus driver leave a young man at the bus stop. Mr. Madden stated that he picked up the young man and took him to school. He planned to follow-up on this incident even if he had to talk to the “boss of the boss.” That bus driver should not be driving a school bus until he receives proper training. Secondly, the county needs to send its department heads and managers out of the office to see what the people are doing. Commissioners also need to get out in the field and talk to their constituents. He was glad that the subject of an auto salvage yard was addressed in this meeting. Everyone is aware that salvage yards process stolen cars and it is a big issue with the police department. That is a matter of job security for the police and no staffing cuts should be made.

The Board made a motion to go into Executive Session to discuss litigation and personnel matters. Following the Executive Session, the Board reconvened the Regular Business Meeting. Commissioner Singleton asked for general Board consent to place a hold on installing cameras inside the 112 Smith Street building. She and Commissioner Hambrick felt there was an issue of a “big brother system” being put into place where “no one knew who was monitoring who.” The Board agreed to hold the installation of these cameras, as she requested.